
IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

TRUGREEN COMPANIES, L.L.C., a
Delaware limited liability company, and
TRUGREEN LIMITED PARTNERSHIP, a
Delaware limited partnership,

Plaintiffs,

vs.

KEVIN D. BITTON d/b/a SCOTTS LAWN
SERVICE et al.,

Defendants.

ORDER DIRECTING PLAINTIFFS
TO PROVE DIVERSITY OF
CITIZENSHIP

Case No. 1:06-CV-00024 PGC

Plaintiffs TruGreen Companies and TruGreen Limited Partnership are two Delaware entities that have sued numerous individual defendants for allegedly breaching noncompete and nondisclosure provisions of employment contracts. They have invoked this court's diversity jurisdiction under 28 U.S.C. § 1332 as a basis for bringing these state law claims in this forum.

While reviewing the memoranda for a pending preliminary injunction motion, the court noticed that the plaintiffs' complaint does not allege the citizenship of each limited and general partner of TruGreen Limited Partnership or each member of TruGreen Companies, L.L.C. Complete diversity among all plaintiffs and defendants — including a partnership's limited

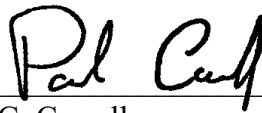
partners¹ or members of a limited liability company² — is a necessary prerequisite for diversity jurisdiction to exist. And this court has an independent obligation to assess its own subject matter jurisdiction.³

The court therefore ORDERS the plaintiffs to respond within twenty-one (21) days and provide the court with a list of all members of TruGreen Companies and all partners (limited or general) of TruGreen Limited Partnership, together with those persons' citizenship as of the date this action was commenced, so that the court may determine whether complete diversity exists.

SO ORDERED.

DATED this 31st day of May, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", is written over a horizontal line.

Paul G. Cassell
United States District Judge

¹*Penteco Corp. Ltd. P'ship v. Union Gas Sys., Inc.*, 929 F.2d 1519, 1521–23 (10th Cir. 1991) (citing *Carden v. Arkoma Assoc.*, 494 U.S. 185, 195–96 (1990)).

²*Cosgrove v. Bartolotta*, 150 F.3d 729, 721 (7th Cir. 1998).

³*See* Fed. R. Civ. P. 12(h)(3).